

Application Serial Number 10/535,556
Response to Office Action
Dated August 30, 2006

**RECEIVED
CENTRAL FAX CENTER**

FEB 28 2007

REMARKS / DISCUSSION OF ISSUES

Claims 1, 3-15 and 17 are presently pending. Claims 1, 15 and 17 are independent claims.

Applicants respectfully request that the drawings be approved.

Applicants further request that the claim of priority and receipt of all priority documents be acknowledged.

Unless indicated to the contrary, claims are amended for non-statutory reasons, to replace European-style claim phraseology with American-style claim language. The claims are not narrowed in scope and no new matter is added.

Objection to the Abstract

The Office Action objects to the Abstract as not comprising a single paragraph within a separate sheet. Applicants note that the Abstract of the International Application from which the present application claims priority suffices as the Abstract. Applicants rely on MPEP § 1826 and PCT Rule 8 in this assertion. Withdrawal of this objection is respectfully requested.

Allowable Subject Matter

Applicants gratefully acknowledge the indication of allowability of claims 2-13 and 16. Claims 1 and 15 have been amended to include the subject matter of claims 2 and 16, respectively. Claim dependence of certain dependent claims has been

Rejections Under 35 U.S.C. § 102

Claims 1, 14-15 and 17 were rejected as being anticipated by *Erkert* (U.S. Patent 6, 100, 742). The rejection of claims 1, 14 and 15 are moot in view of the present amendment. Applicants respectfully submit that the rejection of claim 17 is improper and should be withdrawn.

Application Serial Number 10/535,556
Response to Office Action
Dated August 30, 2006

At the outset Applicants rely at least on the following standards with regard to proper rejections under 35 U.S.C. § 102. Notably, a proper rejection of a claim under 35 U.S.C. § 102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *See, e.g., In re Paulsen*, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). Alternatively, anticipation requires that each and every element of the claimed invention be embodied in a single prior art device or practice. *See, e.g., Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *See, e.g., Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

Claim 1 is drawn to a method of providing a drive current to a bus. The method includes:

"...providing a first current to a gate of an output transistor during an inactive state, and providing a second current to the output transistor in an active state, and providing a third current to the output transistor when a voltage on the bus reaches a determined voltage, wherein the first current maintains a non-zero voltage at the gate of the output transistor."

The Office Action asserts:

Ereckert discloses in Figure 1 a circuit comprising:

- a first current source (32);
- a n output transistor (36);
- a mirror transistor (42);
- a miller capacitor (39); and
- a switch (46) that is configured to selectively couple the mirror transistor (42) and the output transistor (36) that controls the bias current through the output transistor (36).

**RECEIVED
CENTRAL FAX CENTER****FEB 28 2007**Application Serial Number 10/535,556
Response to Office Action
Dated August 30, 2006

Respectfully, the Office Action has failed to articulate where in the description of Fig. 1 or in Fig. 1 itself in *Erkert* the method of claim 17. Applicants request that the Examiner articulate a rejection and cite with clarity where in the applied art to *Erkert* that all elements of claim 17 are disclosed as required for a *prima facie* case of anticipation. Applicants further submit that the rejection of claim 17 does not comply with the basic tenets of MPEP § 706, and deprives Applicants of the opportunity to provide evidence of patentability. Therefore, this rejection is improper.

For at least the reasons set forth above, Applicants respectfully submit that the rejection of claim 17 is improper and should be withdrawn.

Conclusion

In view the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

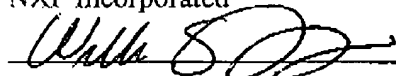
If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238 for any additional fees, including, but not limited to, the fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Application Serial Number 10/535,556
Response to Office Action
Dated August 30, 2006

Respectfully submitted on behalf of:

NXP Incorporated



by: William S. Francos (Reg. No. 38,456)

Date: February 28, 2007

Valentine Francos & Whitt, PLLC
Two Meridian Blvd.
Wyomissing, PA 19610
(610) 375-3513 (v)
(610) 375-3277 (f)